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TO:

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FROM: Morris, Manning & Martin, LLP

CHARGE TO:

NAME: John R. Harris

CLIENT/MATTER: 10161-28700

PHONE: (404) 233-7000

CONFIRMATION TIME:

HR MIN SEC

Serial No. 09/473,383

Applicant: Dominic J. Morea et al.

Filed: December 28, 1999 Group Art Unit: 3627 Confirmation No.: 9919

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Morea et al.

Mailing Date

February 15, 2006

Serial No.:

09/473,383

Examiner:

O'Conner, Gerald J.

Filed:

December 28, 1999

Group Art Unit:

3627

Confirmation No.:

9919

Docket:

10161-28700

Due Date:

February 15, 2006

Notice of Allow. Date:

November 15, 2005

Title:

Merchant Account Activation System

CERTIFICATE UNDER 37 CFR 1.8:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dominic J. Morea	et al.	Art Unit:	3627	
Application No. 09/473,383)	Examiner:	Gerald J. O'Conne	} Γ
Filed: December 28, 1999)	Confirmation No. 9919		
For: Merchant Account Activation Sy	rstem)	Attorney Docket: 10161-28700		

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP Section 1302.14, the following comments by the Applicant are provided so that the record is clear that the Applicant does not necessarily agree with all of the reasons given by the examiner for allowing this application. Although the Applicant approxiates the allowance, these comments are believed necessary so as to negate any presumpt on of acquiescence to those reasons and any negative inferences that may flow therefrom.

A Statement of Reasons for Allowance was included with the Notice of Allowance mailed on November 15, 2005. Among other things, that Statement made certain comments about the Zirkel reference and the Henson reference.

In particular, the examiner indicated that *Henson* fails to disclose or fairly suggest, either alone or in combination with any other known reference, the combination of various aspects including online shopping/selection by a merchant for point-of-sale systems/hardware, online applying for a merchant account that will enable the merchant to process/accept credit card

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P.005/006

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Serial No. 09/473,383

transactions, and automatically loading the merchant account settings of the merchant account onto the point-of-sale terminal/hardware, etc. While the applicant does not disagree that the Henson reference indeed fails to disclose or fairly suggest those aspects as stated by the examiner, applicant would like the record to be clear that examiner's statement does not exactly match the language of the claims, and that the claims should be interpreted in accordance with applicable legal principles without necessarily reading in limitations from the examiner's statement. For example, various claims do not require "automatic loading" of merchant a count settings.

Respectfully submitted,

Reg. No. 30,388

MORRIS, MANNING & MARTIN, LLP 3343 Peachtree Road, N.E. 1600 Atlanta Financial Center Atlanta, Georgia 30326 (404) 233-7000

Docket: 10161-28700